

Page 1 of 20  
Permit No. ST-7416  
Issuance Date: June 10, 2003  
Effective Date: July 1, 2003  
Expiration Date: May 31, 2008  
Modification Date: January 18, 2006

STATE WASTE DISCHARGE PERMIT Number ST-7416

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
Northwest Regional Office  
3190 – 160<sup>th</sup> Avenue SE  
Bellevue, Washington 98008-5452

In compliance with the provisions of the  
State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington, as amended,  
and  
the Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1251 et seq.,  
authorizes

**Nature's Path Foods, USA, Inc.**

2220 Nature's Path Way  
Blaine, WA 98230

to discharge wastewater in accordance with the special and general conditions which follow.

Facility Address:

2220 Nature's Path Way  
Blaine, WA 98230

Discharge Location:

Latitude: 48° 58' 43" N  
Longitude: 122° 43' 22" W

Publicly Owned Treatment Works (POTW) Receiving Discharge:

City of Blaine POTW (WA2264)  
City of Bellingham POTW (WA2374)

Industry Type:

Cereal Manufacturer

SIC Code:

2043  
Significant Industrial User

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Kevin C. Fitzpatrick  
Water Quality Section Manager  
Northwest Regional Office  
Washington State Department of Ecology

## TABLE OF CONTENTS

SUMMARY OF PERMIT REPORT SUBMITTALS.....	4
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### **SPECIAL CONDITIONS**

S1. DISCHARGE LIMITATIONS.....	5
A. Interim Effluent Limitations - City of Blaine POTW (Sample Point 001)	
B. Final Effluent Limitations - City of Blaine POTW (Sample Point 001)	
C. Final Effluent Limitations - City of Bellingham POTW (Sample Point 002)	
S2. MONITORING REQUIREMENTS.....	7
A. Wastewater Monitoring	
B. Sampling and Analytical Procedures	
C. Flow Measurement	
D. Laboratory Accreditation	
S3. REPORTING AND RECORDKEEPING REQUIREMENTS .....	8
A. Reporting	
B. Records Retention	
C. Recording of Results	
D. Additional Monitoring by the Permittee	
E. Noncompliance Notification	
F. Dangerous Waste Discharge Notification	
G. Spill Notification	
S4. OPERATIONS AND MAINTENANCE.....	10
A. Operations and Maintenance Manual	
B. Bypass Procedures	
S5. PROHIBITED DISCHARGES.....	13
A. General Prohibitions	
B. Specific Prohibitions	
C. Prohibited Unless Approved	
S6. DILUTION PROHIBITED.....	14
S7. SOLID WASTE DISPOSAL.....	14
A. Solid Waste Handling	
B. Leachate	
C. Solid Waste Control Plan	
S8. NONROUTINE AND UNANTICIPATED DISCHARGES .....	15
S9. SPILL PLAN .....	15
S10. SLUG DISCHARGE CONTROL PLAN.....	16
S11. COMPLIANCE SCHEDULE.....	16
A. Wastewater Pretreatment System Plant Start-Up	
B. Pretreatment System Compliance Engineering Evaluation Report	

## **GENERAL CONDITIONS**

G1.	SIGNATORY REQUIREMENTS.....	17
G2.	RIGHT OF ENTRY .....	17
G3.	PERMIT ACTIONS.....	18
G4.	REPORTING A CAUSE FOR MODIFICATION .....	18
G5.	PLAN REVIEW REQUIRED .....	18
G6.	COMPLIANCE WITH OTHER LAWS AND STATUTES.....	18
G7.	DUTY TO REAPPLY .....	18
G8.	PERMIT TRANSFER .....	19
G9.	REDUCED PRODUCTION FOR COMPLIANCE .....	19
G10.	REMOVED SUBSTANCES .....	19
G11.	PAYMENT OF FEES.....	19
G12.	PENALTIES FOR VIOLATING PERMIT CONDITIONS .....	19

**SUMMARY OF PERMIT REPORT SUBMITTALS**

Refer to the Special and General Conditions of this permit for additional submittal requirements.

<b>Permit Section</b>	<b>Submittal</b>	<b>Frequency</b>	<b>First Submittal Date</b>
S3.A.	Discharge Monitoring Report	Monthly	August 15, 2003
S4.A.	Operation and Maintenance Manual	1/permit cycle	November 15, 2003
S7.C.	Solid Waste Control Plan	1/permit cycle	November 15, 2003
S7.C.	Solid Waste Control Plan Update	As necessary	Within thirty (30) days of adoption of update
S9.	Spill Plan	1/permit cycle	November 15, 2003
S9.	Spill Plan Update	As necessary	Within thirty (30) days of adoption of update
S10.	Slug Discharge Control Plan	1/permit cycle	November 15, 2003
S10.	Slug Discharge Control Plan Update	As necessary, review at least once each two (2) years	Within thirty (30) days of adoption of update
S11.B.	Pretreatment System Compliance Engineering Evaluation Report	1/permit cycle	February 15, 2004
G7.	Application for Permit Renewal	1/permit cycle	November 30, 2007

**SPECIAL CONDITIONS****S1. DISCHARGE LIMITATIONS**

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants or flows more frequently than, or at a concentration or volume in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

**A. Interim Effluent Limitations - City of Blaine POTW (Sample Point 001)**

Beginning on the effective date of this permit and lasting through September 30, 2003, the Permittee is authorized to discharge industrial wastewater to City of Blaine POTW sewer system subject to the following interim effluent limitations:

<b>Pollutant Parameter</b>	<b>EFFLUENT LIMITATIONS</b>	<b>MONITORING REQUIREMENTS<sup>f</sup></b>	
	<b>Maximum Daily<sup>a</sup></b>	<b>Sampling Frequency</b>	<b>Sampling Method</b>
Flow, gallons per day	7500	Continuously	Metered
COD, pounds per day <sup>c</sup>	200	Daily	Composite
BOD <sub>5</sub> , pounds per day <sup>d</sup>	100	Once per week <sup>b</sup>	Composite
TSS, pounds per day <sup>e</sup>	100	Once per week <sup>b</sup>	Composite
pH, standard units <sup>g</sup>	Minimum 5.5 Maximum 11.0	Grab/ Continuous	Probe/ Recorder
<sup>a</sup> The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day.			
<sup>b</sup> The Permittee is required to collect samples for BOD <sub>5</sub> and TSS on the day of each week during which the cleanup discharge with the highest weekly BOD <sub>5</sub> mass loading is expected to occur. In lieu of performing this BOD <sub>5</sub> sampling and analysis, the Permittee is authorized to report the BOD <sub>5</sub> analytical results from composite samples collected and analyzed by the City of Blaine, provided that such samples are also collected on the day during which the cleanup discharge with the highest weekly BOD <sub>5</sub> mass loading is expected to occur.			
<sup>c</sup> Chemical Oxygen Demand: The Permittee is authorized to employ a Hach test kit or similar test kit for purposes of monitoring for COD. The Permittee is also authorized to employ Standard Methods 5220A or 5220B.			
<sup>d</sup> Five-day Biochemical Oxygen Demand: (Standard Methods 5210B)			
<sup>e</sup> Total Suspended Solids (Standard Methods 2540B)			
<sup>f</sup> The sample point shall be the final discharge of the treated industrial wastewater sump prior to introduction of any nonindustrial wastewaters.			
<sup>g</sup> The Permittee is authorized to collect a single daily grab sample for monitoring for pH prior to the startup of the pretreatment system. The Permittee is required to employ continuous monitoring/recording as soon as operation of the pretreatment system begins. Following the startup of the continuous monitoring/recording system, the Permittee is not required to report excursions outside the pH limitations of 5.5 to 11.0, provided that such excursions do not exceed five minutes per excursion and do not exceed two excursions during a single twenty-four hour period.			

**B. Final Effluent Limitations - City of Blaine POTW (Sample Point 001)**

Beginning October 1, 2003, and lasting through the expiration date of this permit, the Permittee is authorized to discharge wastewater to City of Blaine POTW sewer system subject to the following limitations:

	<b>EFFLUENT LIMITATIONS</b>	<b>MONITORING REQUIREMENTS<sup>f</sup></b>	
<b>Parameter</b>	<b>Maximum Daily<sup>a</sup></b>	<b>Sampling Frequency</b>	<b>Sampling Method</b>
Flow, gallons per day	7500	Continuously	Metered
COD, pounds per day <sup>c</sup>	40	Daily	Composite
BOD <sub>5</sub> , pounds per day <sup>d</sup>	20	Once per week <sup>b</sup>	Composite
TSS, pounds per day <sup>e</sup>	20	Once per week <sup>b</sup>	Composite
pH, standard units <sup>g</sup>	Minimum 5.5 Maximum 10.0	Continuously	Probe/ Recorder
<sup>a</sup> The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day.			
<sup>b</sup> The Permittee is required to collect samples for BOD <sub>5</sub> and TSS on the day of each week during which the cleanup discharge with the highest weekly BOD <sub>5</sub> mass loading is expected to occur. In lieu of performing this BOD <sub>5</sub> and TSS sampling and analysis, the Permittee is authorized to report the BOD <sub>5</sub> and TSS analytical results from composite samples collected and analyzed by the City of Blaine, provided that such samples are also collected on the day during which the cleanup discharge with the highest weekly BOD <sub>5</sub> mass loading is estimated to occur.			
<sup>c</sup> Chemical Oxygen Demand: The Permittee is authorized to employ a Hach test kit or similar test kit for purposes of monitoring for COD. The Permittee is also authorized to employ Standard Methods 5220A or 5220B.			
<sup>d</sup> Five-day Biochemical Oxygen Demand (Standard Methods 5210B)			
<sup>e</sup> Total Suspended Solids (Standard Methods 2540B)			
<sup>f</sup> The sample point shall be the final discharge of the treated industrial wastewater sump prior to introduction of any nonindustrial wastewaters.			
<sup>g</sup> Excursions outside the pH limitations of 5.5 to 10.0 need not be reported provided that such excursions do not exceed five minutes per excursion and do not exceed two such five-minute excursions during a single twenty-four hour period.			

**C. Final Effluent Limitations - City of Bellingham POTW (Sample Point 002)**

Beginning on January 13, 2006, and lasting through the expiration date of this permit, the Permittee is authorized to discharge, by means of shipment by truck, industrial wastewater to City of Bellingham POTW sewer system subject to the following effluent limitations:

	<b>EFFLUENT LIMITATIONS</b>	<b>MONITORING REQUIREMENTS</b>	
<b>Pollutant Parameter</b>	<b>Maximum Daily<sup>a</sup></b>	<b>Sampling Frequency</b>	<b>Sampling Method</b>
Flow, gallons per day <sup>f</sup>	8200	Each load hauled	Metered or by number of truckloads <sup>f</sup>
BOD <sub>5</sub> , pounds per day <sup>c</sup>	500	One load per week <sup>b</sup>	Grab/Composite <sup>b</sup>
BOD <sub>5</sub> , mg/L <sup>c,e</sup>	Report only	One load per week <sup>b</sup>	Grab/Composite <sup>b</sup>
TSS, pounds per day <sup>d</sup>	340	One load per week <sup>b</sup>	Grab/Composite <sup>b</sup>
TSS, mg/L <sup>d,e</sup>	Report only	One load per week <sup>b</sup>	Grab/Composite <sup>b</sup>
pH, standard units	Minimum 5.5 Maximum 11.0	Each load hauled	Grab (Probe)
<sup>a</sup> The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day.			
<sup>b</sup> The Permittee is required to collect samples for BOD <sub>5</sub> and TSS on the day of each week during which the cleanup discharge with the highest daily BOD <sub>5</sub> mass loading is expected to occur. The sample shall consist of a representative grab sample collected from the haulage truck tank. If more than one load is discharged to the city of Bellingham on a single sampling day, the Permittee is required to collect samples from all loads hauled during that day and to composite them proportionally with respect to the volume of the hauled loads.			
<sup>c</sup> Five-day Biochemical Oxygen Demand (Standard Methods 5210B)			
<sup>d</sup> Total Suspended Solids (Standard Methods 2540B)			
<sup>e</sup> The Permittee is required to report the concentration-based BOD <sub>5</sub> and TSS measurements associated with the mass-loading-based value reported on the Discharge Monitoring Report.			
<sup>f</sup> The Permittee shall determine the flow of wastewater discharged to the City of Bellingham POTW either by means of metering, or multiplying the number of truckloads or fractions of truckloads, by the capacity of the tank hauled.			

**S2. MONITORING REQUIREMENTS****A. Wastewater Monitoring**

The Permittee shall monitor the wastewater according to the schedule set forth in Part S1 of this permit.

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three (3) years. The Permittee may employ the truckload method described in footnote "f" in the table in Condition S1.C for measurement of volumes shipped to the City of Bellingham POTW.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, chapter 173-50 WAC. Flow, temperature, COD, pH, and internal process control parameters are exempt from this requirement.

**S3. REPORTING AND RECORDKEEPING REQUIREMENTS**

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during the previous month shall be summarized and reported on a form provided, or otherwise approved, by the Department, and be received no later than the 15<sup>th</sup> day of the month following the completed reporting period, unless otherwise specified in



this permit. Where daily COD monitoring is required by Condition S1 for discharges to the City of Blaine, the Permittee shall attach a summary of the daily COD monitoring results for the applicable monitoring period to each discharge monitoring report. The report(s) shall be sent to the Department of Ecology, Northwest Regional Office, 3190 – 160<sup>th</sup> Avenue SE, Bellevue, Washington 98008. In addition, the Permittee shall submit discharge monitoring reports and attachments to the City of Blaine for discharges to the City of Blaine POTW, and to the City of Bellingham for discharges to the City of Bellingham POTW.

Discharge monitoring report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge or the facility was not operating during a given monitoring period, the Permittee is required to submit the form with the words "no discharge" entered in place of the monitoring results. Reports are due January 15, February 15, March 15, April 15, May 15, June 15, July 15, August 15, September 15, October 15, November 15, and December 15 of each year. The first report is due August 15, 2003.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. In addition, the Permittee shall retain all records associated with the volume and dates of haulage, of loads of wastewater hauled to the city of Bellingham POTW. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2 of this permit, then the results of this monitoring shall be included in calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;
2. Repeat sampling and analysis of any violation and submit the results to the Department within thirty (30) days after becoming aware of the violation;
3. Immediately notify the Department and the local sewage treatment plant manager of the failure to comply; and
4. Submit a detailed, written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Dangerous Waste Discharge Notification

The Permittee shall notify the POTW and the Department in writing of the intent to discharge into the POTW any substance designated as a dangerous waste in accordance with the provisions of WAC 173-303-070. This notification shall be made at least ninety (90) days prior to the date that discharge is proposed to be initiated.

G. Spill Notification

The Permittee shall notify the POTW immediately (as soon as discovered) of all discharges that could cause problems to the POTW, such as process spills and unauthorized discharges (including slug discharges).

**S4. OPERATIONS AND MAINTENANCE**

The Permittee shall at all times be responsible for the proper operations and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit. However, for discharges to the City of Bellingham POTW, the Permittee is not required to operate any on-site wastewater treatment facility or system if operation of such facility or system is not required for the Permittee to achieve compliance with the effluent limitations established in Condition S1.C of this permit.

A. Operations and Maintenance Manual

An Operations and Maintenance (O&M) Manual shall be prepared by the Permittee in accordance with WAC 173-240-150 and be submitted to the Department no later than November 15, 2003. The Operations and Maintenance Manual shall be kept available at the permitted facility and all operators shall follow the instructions and procedures of this manual.

In addition to the requirements of WAC 173-240-150(1) and (2), the O&M Manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure;
2. Wastewater treatment system operating procedures employed to achieve compliance with permit requirements;
3. Wastewater system maintenance procedures;
4. Directions to maintenance staff when cleaning or maintaining other equipment or performing other tasks which are necessary to protect the operation of the wastewater system (e.g., defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine); and
5. The treatment plant process control monitoring schedule.

The O&M Manual shall be reviewed by the Permittee at least annually. Substantial changes or updates to the O&M Manual shall be submitted to the Department whenever they are incorporated into the manual.

The Operations and Maintenance Manual shall be kept available at the permitted facility and all operators are responsible for being familiar with, and using, this manual.

B. Bypass Procedures

The Permittee shall immediately notify the Department and the receiving POTW of any spill, overflow, or bypass from any portion of the collection or treatment system. Nothing in this section shall be interpreted to require the Permittee to operate any on-site wastewater treatment facility or system for discharges to the City of Bellingham POTW, if such facility or system is not required to comply with the effluent limitations established in Condition S1.C of this permit.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. Unavoidable Bypass—Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit, the Permittee shall notify the Department and the receiving POTW in accordance with condition S3.E “Noncompliance Notification.”

2. Anticipated Bypass that has the Potential to Violate Permit Limits or Conditions—Bypass is authorized by an administrative order issued by the Department. The Permittee shall notify the Department and the POTW at least thirty (30) days before the planned date of bypass. The notice shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Department will consider the following prior to issuing an administrative order:
  - a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit.
  - b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
  - c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

3. Bypass For Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions—Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, a violation of a pretreatment standard or requirement, or adversely impact public health as determined by the Department prior to the bypass.

## **S5. PROHIBITED DISCHARGES**

### **A. General Prohibitions**

The Permittee shall not introduce into the POTW pollutant(s) which cause pass through or interference.

### **B. Specific Prohibitions**

In addition, the following shall not be introduced into the POTW:

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 60° C (140° F) using the test methods specified in 40 CFR 261.21;
2. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
3. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;
4. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40° C (104° F) unless the approval authority, upon request of the POTW, approves alternative temperature limits;
5. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
7. Any trucked or hauled pollutants, except at discharge points designated by the POTW; and
8. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 or greater than 11.0, unless the works is specifically designed to accommodate such discharges.

C. Prohibited Unless Approved

1. Any of the following discharges are prohibited unless approved by the Department under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or a need to augment sewage flows due to septic conditions):
  - a. Noncontact cooling water in significant volumes.
  - b. Storm water and other direct inflow sources.
  - c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the system.
2. Unless specifically authorized in this permit, the discharge of dangerous wastes as defined in chapter 173-303 WAC, is prohibited.

**S6. DILUTION PROHIBITED**

The Permittee shall not dilute the wastewater discharge with stormwater or increase the use of potable water, process water, noncontact cooling water, or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

**S7. SOLID WASTE DISPOSAL**

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground water, surface water, or a POTW.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, chapter 173-201A WAC, or the State Ground Water Quality Standards, chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall submit a solid waste control plan to the Department no later than November 15, 2003. This plan shall include all solid wastes with the exception of those solid wastes regulated by chapter 173-303 WAC (Dangerous Waste Regulations). The plan shall include, at a minimum, a description, source, generation rate, and disposal methods of these solid wastes. This plan shall not be at variance with any approved local solid waste management plan. Any revision or modification of the solid waste handling plan must be submitted to the Department within thirty (30) days of its adoption by the Permittee. The Permittee shall comply with the plan and any modifications thereof.

**S8. NONROUTINE AND UNANTICIPATED DISCHARGES**

Beginning on the effective date of this permit, the Permittee may discharge nonroutine wastewater on a case-by-case basis if approved by the Department. Prior to any such discharge, the Permittee shall contact the Department and **at a minimum** provide the following information:

1. The nature of the activity that is generating the discharge.
2. Any alternatives to the discharge, such as reuse, storage or recycling of the water.
3. The total volume of water expected to be discharged.
4. The results of the chemical analysis of the water. The water shall be analyzed for all constituents limited for the Permittee's discharge. All discharges must comply with the effluent limitations as established in Condition S1. of this permit, and any other limitations imposed by the Department.
5. The date of proposed discharge and the rate at which the water will be discharged, in gallons per minute. The discharge rate shall be limited to that which will not cause erosion of ditches or structural damage to culverts and their entrances or exits.

The discharge cannot proceed until the Department has reviewed the information provided and has authorized the discharge. Authorization from the Department will be by letter to the Permittee or by an Administrative Order.

**S9. SPILL PLAN**

No later than November 15, 2003, the Permittee shall submit to the Department a spill control plan for the prevention, containment, and control of spills or unplanned releases. The Permittee shall review the plan at least annually and update the spill plan as needed. Changes to the plan shall be sent to the Department. The plan and any supplements shall be followed throughout the term of the permit.

The updated spill control plan shall include the following:

- A description of operator training to implement the plan.
- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and petroleum products, materials, which when spilled, or otherwise released into the environment, are designated Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or other materials which may become pollutants or cause pollution upon reaching state's waters.

Plans and manuals required by 40 CFR Part 112, contingency plans required by chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this section may be submitted.

**S10. SLUG DISCHARGE CONTROL PLAN**

No later than November 15, 2003, the Permittee shall prepare and submit to the Department a plan to minimize the potential of slug discharges from the facility covered by this permit. The plan and any subsequent revisions shall become effective thirty (30) days following submission. Such plan shall include the following information and procedures relating to the prevention of unauthorized slug discharges:

1. A description of a reporting system to be used to immediately notify facility management, the POTW operator, and appropriate state, federal, and local authorities of any slug discharges, and provisions to provide a written follow-up report within five (5) days;
2. A description of operator training, equipment, and facilities (including overall facility plan) for preventing, containing, or treating slug discharges;
3. A list of all raw materials, products, chemicals, and hazardous materials used, processed, or stored at the facility; the normal quantity maintained on the premises for each listed material; and a map showing where they are located;
4. A description of discharge practices for batch and continuous processes under normal and nonroutine circumstances;
5. A brief description of any unauthorized discharges which occurred during the 36-month period preceding the effective date of this permit and subsequent measures taken by Permittee to prevent or to reduce the possibility of further unauthorized discharges; and
6. An implementation schedule including additional operator training and procurement and installation of equipment or facilities required to properly implement the plan.

The Permittee shall review its slug discharge plan and update it as needed but no less than once each two (2) years. All revisions or updates of this plan shall be submitted to the Department. The current plan shall be maintained on the plant site and be readily available to facility personnel.

**S11. COMPLIANCE SCHEDULE**

The following compliance schedule is applicable to discharges to the City of Blaine POTW.

**A. Wastewater Pretreatment System Plant Start-Up**

No later than August 1, 2003, the Permittee shall complete installation, and begin operation of the pretreatment system proposed in the approved Engineering Report and Plans and Specifications.

**B. Pretreatment System Compliance Engineering Evaluation Report**

No later than February 15, 2004, the Permittee shall submit an Engineering Evaluation Report to the Department containing an evaluation of the ability of the industrial wastewater pretreatment system to consistently achieve permit limitations, based on at least six months of operational data from the newly installed pretreatment system. In the event that the newly installed system is unable to achieve compliance with effluent limitations set forth in this permit, the report shall contain recommendations on modifications or replacement of the system, to achieve consistent compliance with the limitations.



## GENERAL CONDITIONS

### G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed as follows:

- A. All permit applications shall be signed by either a principal executive officer or ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by the person described above and is submitted to the Department at the time of authorization, and
  - 2. The authorization specifies either a named individual or any individual occupying a named position.
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

*"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

### G2. RIGHT OF ENTRY

Representatives of the Department shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the state. Reasonable times shall include normal business hours; hours during which production, treatment, or discharge occurs; or times when the Department suspects a violation requiring immediate inspection. Representatives of the Department shall be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

### **G3. PERMIT ACTIONS**

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the state; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

### **G4. REPORTING A CAUSE FOR MODIFICATION**

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

### **G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an Engineering Report and detailed plans and specifications shall be submitted to the Department for approval in accordance with chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least one hundred and eighty (180) days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

### **G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

### **G7. DUTY TO REAPPLY**

The Permittee must apply for permit renewal at least one hundred and eighty (180) days prior to the specified expiration date of this permit.

#### **G8. PERMIT TRANSFER**

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;
- B. A copy of the permit is provided to the new owner and the receiving POTW is notified; and
- C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to Section A above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

#### **G9. REDUCED PRODUCTION FOR COMPLIANCE**

The Permittee shall control production or discharge to the extent necessary to maintain compliance with the terms and conditions of this permit upon reduction of efficiency, loss, or failure of its treatment facility until the treatment capacity is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power for the treatment facility is reduced, lost, or fails.

#### **G10. REMOVED SUBSTANCES**

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the effluent stream for discharge.

#### **G11. PAYMENT OF FEES**

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under chapter 173-224 WAC are not paid.

#### **G12. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.